



**U.S. Magistrates: Front row from left, Floyd E. Boline, J. Earl Cudd, Patrick J. McNulty. Back row, Janice M. Symchych, Bernard P. Becker.**

# United States Magistrates for the District of Minnesota

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In 1968 Congress adopted legislation establishing the new judicial office of United States Magistrate.<sup>20</sup> Magistrates assist judges in a number of ways in both criminal and civil cases. Initially, magistrates were limited to hearing non-dispositive motions and conducting pretrial conferences and hearings. Since then, however, Congress has expanded the powers of magistrates to hear a variety of motions. Magistrates may issue warrants, conduct preliminary hearings, set conditions of release for defendants, and conduct trials in misdemeanor cases by consent of the person charged. Magistrates are also authorized upon designation by the district court and consent of the parties to conduct any or all proceedings in a jury or nonjury civil trial. They may hear and decide any non-dispositive motion pending before the court. While magistrates may also hear dispositive motions, they are not authorized to decide such motions, but submit proposed findings and recommendations for disposition to a judge of the district court. Finally, Congress has enacted a rather elastic provision whereby magistrates may be assigned "such additional duties as are not inconsistent with the Constitution and laws of the United States."<sup>21</sup>

Magistrates are appointed by the judges of the district court in which the magistrate will serve. Full-time magistrates are appointed for a term of eight years; part-time magistrates are appointed to four year terms.

In the District of Minnesota the first magistrates appointed to the office were Patrick McNulty, George McPartlin, and Bernard Zimpfer. They took office in December 1970 and served initially as part-time magistrates. In 1973, Congress created two new full-time magistrate positions. These positions were filled by Magistrate McPartlin and J. Earl Cudd, who were both sworn into office on October 1, 1973. Another full-time magistrate position was authorized in 1976; on June 1, 1977, Robert Renner assumed this office. When Magistrate Renner was appointed district court judge, Floyd Boline succeeded him as magistrate on March 29, 1980. Later that same year, on October 6, 1980, Brian Short replaced Magistrate McPartlin who had retired. After Magistrate McNulty's part-time position was converted to full-time in February 1984, the district had four full-time magistrates assisting the district court judges: Magistrates Cudd, Boline, Short, and McNulty. Magistrate Short resigned in 1985 to return to private practice and was replaced by Janice Symchych, who took office on May

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20. See 28 U.S.C. §§ 631-636.

21. 28 U.S.C. § 636(b)(3).

6, 1985. The district's most recent addition to the office came when Bernard Becker was sworn in as a half-time magistrate on January 10, 1986.

The magistrates handle some matters on a rotating basis and many others on assignment directly from the judges. Rotating assignments include return of indictments; initial appearances in criminal cases; and traffic and parking citations. Presently, Magistrate McNulty sits in Duluth and works for the judges who preside over cases originating in that area. Magistrate Cudd and Magistrate Boline are located in Minneapolis. Magistrate Cudd works with Judges Renner and Rosenbaum, while Magistrate Boline assists Judges Magnuson and Doty. Magistrate Symchych sits in St. Paul and works with Judges Alsop, MacLaughlin and Devitt. Magistrate Becker sits in St. Paul and works with Judge Murphy.

The district court judges have also been assisted by part-time magistrates who work less than half-time. Since 1971, ten of these part-time magistrates have been appointed to offices in several cities in Minnesota. At one time, magistrates were located in Bemidji, Rochester, Moorhead, St. Cloud, International Falls, and Marshall. Except for Bemidji, where Magistrate Margaret S. Treuer now serves, the other offices have been discontinued. The part-time magistrates who held office in the past include: Romaine R. Powell and Jay R. Petterson (Bemidji); Donald C. Steiner and Richard A. Gullickson (Rochester); Gunder Gunhus (Moorhead); Wendell Y. Henning (St. Cloud); Steven A. Nelson and George Hnatiuk (International Falls); and Percy M. Meehl (Marshall).